

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

TOM PUTMAN
R2R06

February 28, 2005

OFFICE OF
MANAGING DIRECTOR

John S. Neely, Esq.
Miller and Neely, P.C.,
6900 Wisconsin Avenue
Suite 704
Bethesda, MD 20815

Re: Request for Waiver of FY 2004
Regulatory Fee
Fee Control No. 00000RR0G-05-022

Dear Mr. Neely:

This is in response to the petition for waiver dated August 19, 2004 of the Fiscal Year 2004 (FY 2004) regulatory fee that you filed on behalf of Ms. Jacquelyn Collier Pembroke, licensee of Radio Station WALD (AM), Walterboro, South Carolina. You request a waiver and reimbursement, asserting that WALD is dark (not operating).

WALD is dark pursuant to a grant of temporary authority from the Commission. Our records confirm that the station has been silent since April 21, 2004. In Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12759, 12762 (1995), the Commission, noting that dark stations are generally either without or with greatly reduced revenues, and that imposition of a regulatory fee could be an impediment to the restoration of service by dark stations, held that it would waive the regulatory fee for stations which have ceased operation.

Accordingly, your request is granted and the FY 2004 regulatory fee for Ms. Pembroke, as licensee of AM Radio Station WALD, is waived. The waiver shall remain in effect until the station is reactivated. Pursuant to the waiver, the licensee is entitled to reimbursement of the previously paid regulatory fee (\$625.00) for WALD (AM).

A check, made payable to the original maker of the original check, and drawn in the amount of \$625.00, will be sent to you at the earliest practicable time. If you have any questions concerning this letter, please contact the Revenue and Receivables Operations group at (202) 418-1995.

Sincerely,


Mark Reger
Chief Financial Officer

JERROLD D. MILLER
JOHN S. NEELY*

*ADMITTED PA AND DC ONLY

LAW OFFICES
MILLER AND NEELY, P. C.
SUITE 704
6900 WISCONSIN AVENUE
BETHESDA, MD 20815

00000 RROG-05-02

(301) 986-4160

FAX: (301) 986-4162

August 19, 2004

RECEIVED & INSPECTED

OCT 5 - 2004

FCC - MAILROOM

Marlene Dortch, Secretary
Federal Communications Commission
Washington, DC 20554

ATTN: Claudette Pride, Chief
Revenue & Receivables

RE: **Reimbursement of FY04 Regulatory Fee for Dark Station**
WALD(AM) Walterboro, South Carolina
FAC 27463

Dear Madam Secretary:

On behalf of Jacquelyn Collier Pembroke, licensee, you are respectfully requested to waive and reimburse the FY04 Regulatory Fee paid for station AM Station WALD Walterboro, South Carolina. A copy of the relevant Form 159 and associated payment are attached.

In Implementation of the Section 9 of the Communications Act
10 FCC Rcd 12759, ¶15 (1995), the Commission noted that dark, non-operational stations are generally without, or with greatly reduced, revenues and that imposition of a regulatory fee could be an impediment to the restoring service, and held that the regulatory fee would be waived for dark stations.

As supported by the enclosed documentation, you are advised that station WALD went silent on April 21, 2004 and has not yet resumed operations. During this period, the station has no income.

Pursuant to your policy, you are respectfully requested to reimburse the FY04 Regulatory Fee paid for this station. Please address any questions concerning this matter to the undersigned.

Sincerely,


John S. Neely

encs.

DEC 20 2004

Walterboro

**FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D. C. 20554**

**IN REPLY REFER TO:
1800B3-ALM**

April 23, 2004

Jerrold Miller, Esquire
Miller and Neely, P.C.
6900 Wisconsin Avenue
Suite 704
Bethesda, Maryland 20815

**In re: WALD(AM), Walterboro, SC
Facility ID No. 27463
Silent Since April 21, 2004
Request For Special Temporary
Authority To Remain Silent**

Dear Mr. Miller:

This letter concerns your requests, filed on April 22, 2004, on behalf of Jacquelyn Collier Pembroke, for Special Temporary Authority ("STA") to permit AM station WALD to remain silent.

You state that WALD(AM) had been operating at reduced power in accordance with an approved STA, but on April 21, 2004 its transmitter failed and the station has gone silent. Ms. Pembroke estimates that it will take more than thirty days to make the necessary repairs to the transmitter and requests an STA to remain silent. Ms. Pembroke's request includes the appropriate certification regarding Section 5301 of the Anti-Drug Abuse Act of 1988.¹

Ms. Pembroke's request will be granted. Accordingly, Special Temporary Authority is granted to permit AM station WALD to remain silent for a period not to exceed one hundred and eighty days from the date of this letter. Notwithstanding the grant of this special temporary authority, the broadcast license for WALD(AM) will automatically expire as a matter of law if broadcast operations do not commence by 12:01 a.m. April 22, 2005.² See Section 312(g) of the Communications Act, 47 U.S.C. Section 312(g).

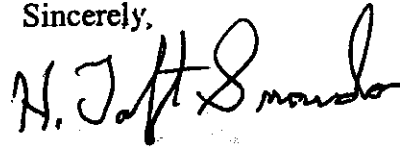
¹In the event extension of special temporary authority is sought, please renew the certification in this matter.

²Notification of resumption of broadcast operations must be mailed to:

Federal Communications Commission
Attn: 1800B3-ALM, Room 2-B450
445 12th Street, S.W.
Washington, D.C. 20554

The station's silent status does not suspend the licensee's obligation to comply with all other relevant Commission rules, including the filing, when appropriate, of applications for renewal of broadcast license. We note that it is imperative to the safety of air navigation that any prescribed painting and illumination of the station's tower shall be maintained. See 47 C.F.R. Sections 17.6 and 73.1740(a)(4).

Sincerely,

A handwritten signature in black ink, appearing to read "H. Taft Snowdon". The signature is written in a cursive, somewhat stylized script.

H. Taft Snowdon
Supervisory Attorney
Audio Division
Media Bureau